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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,442	10/31/2001	Mike Sheldon	MFCP.81059	2397

45809 7590 12/26/2006

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EXAMINER	
HUYNH, BA	
ART UNIT	**PAPER NUMBER**
2179	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/26/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/001,442	SHELDON ET AL.	
	Examiner	Art Unit	
	Ba Huynh	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 September 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-9 and 11-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-9 and 11-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 3-9, 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent #6,473,102 (Rodden et al), in view of US patent #6,581,020 (Buote et al).

- As for claims 1, 6, 7: Rodden et al (herein Rodden) teach a computer implemented method and corresponding system for displaying a graphical window on a display screen having a screen resolution, comprising the steps/means for:

determining, for the window, whether a display size and display screen position are specified for the window (1:58-59, 2:14-17, 4:32-42), and

if the size and position are specified, rendering the window at the specified size and position so that the window is not automatically maximized (1:59 – 2:11. See also description of figure 4),

if the size and position are not specified, determining the screen resolution for the display screen,

automatically and inversely changing the size of a display window responsive to changing the screen resolution of current display device or switching between display

devices of different resolution, i.e., changing the display device not the resolution (1:22-28; 3:62-66).

While Rodden discloses the comparing of screen resolution against current screen resolution (i.e., changing screen resolution, 3:52-4:31), Rodden fails to clearly teach the comparing the screen resolution against a pre-determined threshold value and automatically maximizing the size of the window on the display screen if the screen resolution is below the pre-determined threshold value. However, in the same field of window layout, Buote et al teach the comparing screen resolution against a pre-determined threshold value and automatically maximizing the size of the window on the display screen if the screen resolution is below the pre-determined threshold value (Buote's 11:15-21). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Buote's teaching to Rodden for automatically maximizing the window at a predetermined resolution threshold. Motivation of the combining is to predefine the window size to avoid the lost of information (i.e., the window become larger than the display screen). The steps/means for determining the screen resolution for the display screen is inherently included in Buote's teaching of resolution threshold.

- As for claim 3. Per Rodden, the user may control the size and position of selected windows so that the windows will not be automatically maximized due to the change in resolution (1:28-31; 4:32-42).

- As for claim 5: Per Buote, the predetermined threshold value is 800 pixels by 600 pixels (11:15-21).

- As for claims 4, 11: It is inherently included in Rodden's teaching of window that the window include a sizing button for reducing (thus restoring) the size of the window by a pre-determined amount. Even if it is not, Official notice is taken that implementation of the window sizing button is well known (see Buote's figure 4), and would have been obvious to one of skill in the art for controlling the size of the window.

- As for claims 8, 12-13: Rodden et al (herein Rodden) teach a computer implemented method and corresponding system for displaying a graphical window on a display screen having a screen resolution, comprising the steps/means for:

determining, for the window, whether a display size and display screen position are specified for the window (1:58-59, 2:14-17, 4:32-42), and

if the size and position are specified, rendering the window at the specified size and position so that the window is not automatically maximized (1:59 – 2:11. See also description of figure 4),

if the size and position are not specified, determining the screen resolution for the display screen,

automatically and inversely changing the size of a display window responsive to changing the screen resolution of current display device or switching between display devices of different resolution, i.e., changing the display device not the resolution (1:22-28; 3:62-66).

While Rodden discloses the comparing of screen resolution against current screen resolution (i.e., changing screen resolution, 3:52-4:31), Rodden fails to clearly teach the comparing the screen resolution against a pre-determined threshold value and

automatically maximizing the size of the window on the display screen if the screen resolution is below the pre-determined threshold value. However, in the same field of window layout, Buote et al teach the comparing screen resolution against a pre-determined threshold value and automatically maximizing the size of the window on the display screen if the screen resolution is below the pre-determined threshold value (Buote's 11:15-21). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Buote's teaching to Rodden for automatically maximizing the window at a predetermined resolution threshold. Motivation of the combining is to predefine the window size to avoid the lost of information (i.e., the window become larger than the display screen). The steps/means for determining the screen resolution for the display screen is inherently included in Buote's teaching of resolution threshold. Per Rodden, the user may control the size and position of selected windows so that the windows will not be automatically maximized due to the change in resolution (1:28-31; 4:32-42).

- As for claim 9: It is inherently included in Rodden that the creating step is performed through an application programming interface call, and wherein said determining step is performed by monitoring the application programming interface call (3:25-39).

- As for claim 14: Rodden et al (herein Rodden) teach a computer implemented method and corresponding system for displaying a graphical window on a display screen having a screen resolution, comprising the steps/means for:

creating a viewing window for the display of information on the display screen. It is inherently included in Rodden's teaching of window that the window includes a sizing

button for reducing (thus restoring) the size of the window by a pre-determined amount. Even if it is not, the "restore" button is discloses by Buote in figure 4 (Buote's window sizing button in figure 4 appears similar to the applicant's restore button 214). It would have been obvious to one of skill in the art at the time of the invention was made, to combine Buote's window sizing button to Rodden. Motivation of the combing is for controlling the size of the window.

determining, for the window, whether a display size and display screen position are specified for the window (1:58-59, 2:14-17, 4:32-42), and

if the size and position are specified, rendering the window at the specified size and position (1:59 – 2:11. See also description of figure 4),

if the size and position are not specified, determining the screen resolution for the display screen,

automatically and inversely changing the size of a display window responsive to changing the screen resolution of current display device or switching between display devices of different resolution, i.e., changing the display device not the resolution (1:22-28; 3:62-66). Thus the window is enlarged if the resolution is reduced. Further, the enlarged window can be further maximized (or reduced to a pre-determined size. Note Buote's three buttons for resizing the window: button 151 for minimizing, button 149 for closing, the middle button is for maximizing/reducing the window to the pre-determined size) by using the window sizing icon.

Response to Arguments

3. Applicant's arguments filed 10/5/06 have been fully considered but they are not persuasive.

REMARKS:

The applicant argues that Rodden and Buote teach away from each other because Rodden teaches looking for a specified designation that keeps a window on screen and calculating both a preferred size and position for the window, while Buote teaches maximizing all windows when a "display mode" (i.e., resolution) is 600x800. The applicant appears not giving credit to Rodden's teaching of changing window size responsive to changing of screen resolution. Similarly the applicant is not giving Buote credit for maximizing window size responsive to changing screen resolution beyond a threshold (Buote's 11:15-21). Since Rodden and Buote both direct to changing the size of window in response to changing screen resolution, they are both in the same field of invention, solving the same problem of displaying window with responsive to screen resolution changes. Rodden teaches changing of window size responsive to changing of screen resolution. Buote also teaches changing window size responsive to changing of screen resolution, and further teaches setting a resolution threshold before changing the window size. It would have been obvious to combine Buote resolution threshold to Rodden so that the window size will not be changed until the threshold is met. Motivation of the combining is for the advantage of being user friendly, such as maintaining user focus by not changing the window size which could result in distraction or lost of information. The applicant argues that Buote teaches that the windows are "locked" and therefore teaches away from Rodden. The actual Buote's phrase is "*If the screen resolution is set higher than 600x800 then all windows will appear in window mode. Window mode windows may be moved*

around on the desktop but may not be resized"). The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this case, the resolution threshold for changing the window size is being combined to Rodden. Rodden as modified, avoids constantly changing the window size every time the resolution changes. Instead, it allows the window to change its size when the resolution threshold is met.

In response to the argument that Rodden does not teach the step determining the size and position of a window is specified, the limitation is disclosed in 1:58-59, 4:32-47 wherein the user selectively specifies certain windows to be displayed at specified size and position at different resolution. Per Rodden, specified windows are displayed at the same size and position regardless of screen resolution, and non-specified windows are displayed at different size depending on the resolution (1:58-59, 3:57-66, 4:32-37). Thus the determination the screen resolution is inherently included in the displaying of non-specified windows, i.e., the system must recognize the new resolution and changing the size of the windows accordingly.

In response to the applicant's request for the document supporting the well known implementation of the "restore" button, the "restore" button 214 as disclosed in the applicant's specification appears to be a window resizing button. Implementation of the window sizing button is well known and is disclosed by Buote in figure 4.

Conclusion

This is a RCE of applicant's Application No. 10/001,442. All claims are drawn to the same invention as earlier presented and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh
Primary Examiner
AU 2179
6/19/06

BA HUYNH
PRIMARY EXAMINER